

T H E
A N S W E R
Of the S W O R N C L E R K S in *Chancery*, to the S I X
C L E R K S C a s e.

[1] 1. **T**HAT the Six Clerks were Ancient Officers is admitted, and if this Paragraph respects only what they were at their first *Institution*; 'tis own'd, they were then Men of great Abilities and Judgment in the Practice of the Court. But if it respects what they now are, and for many Years past have been, *it is utterly deny'd*; for All who have been of late admitted into those Places, have been bred to Trade, and other Professions, foreign to that Employment, and wholly unexperient'd in the Practice and Business of the Court, and incapable of Discharging the Duty of their Places according to their first Institution.

That they have Free-holds in their Offices is not deny'd: So have the Sworn Clerks also.

[2] 2. As the Business of the Court increased, there was a Necessity of increasing the Clerks; whereupon a certain number of Clerks were Constituted; Stiled Sworn Clerks, who were Admitted and Sworn into their Offices by the Master of the Rolls; Had settled Fees, allow'd them by the Court, as belonging to their Offices, and are neither Servants to, nor receive Wages from the Six Clerks; but on the contrary, pay them the Fees they receive.

[3] 3. The Six Clerks shew how unacquainted they are with the Business of the Court, when they say, the Sworn Clerk's Duty is only to Copy or Transcribe Records: They ought to know, it is the Sworn Clerks proper Business, to draw all Writs, Decrees, and Dismissions; Advise the Clyents, as to Matters of Practice and Correspond with them; and that they do Transact the whole Business of the Attorneys of the Court; and as such are forced to give very large Credit. They are not Sworn for the reasons in the Case only; but for that they do the Business the Six Clerks anciently did, to which they now are, and for many Years past have been Utter Strangers.

[4] 4. It's acknowledged, the Six Clerks do still retain the Name of Attorneys of the Court, but little more except their Fees. 'Tis true, they Attend the Court at Westminster in Term-Time, but being unacquainted with the Merits of the Causes, do the Suitors no Service therein, the Sworn Clerks always Attending at the same time. They also should give a daily Attendance for the Filing Records, and Regular keeping thereof; but how they perform either part of this their Duty, is too Notorious to be here inserted.

That they are, or for some Ages have been esteem'd Clerks in Court, is utterly deny'd; for it's well known, to all that Practice there, That the Sworn Clerks, and they only, are the Clerks in Court. And all Notices, Warrants, &c. are constantly serv'd on them and none else; neither are the Six Clerks (as they affirm) responsible to the Suitor in any Case, save only, for Records in their Custody. And as to their suggestion of providing the Six Clerks Office, it's certain they have no Interest therein, but in Trust for the Court, for they can neither Dispose or Alien the same. And as to Taxes and Servants, the Sworn Clerks pay much more than the Six.

[5] 5. This Paragraph seems to arraign the Wisdom and Justice of the Legislature, by Insinuating. That the Clause in the late Act for giving a Recompence to the Sworn Clerks, in Lieu of the Tenor of the Bill, tends to the Oppression of the Subject: Whereas 'tis Evident, That the Parliament looking upon that Bill, to be an unnecessary Charge to the Suitor, thought fit to take it away; but being a Fee intirely belonging to the Sworn Clerks, who only Manage and Transact the Suitors Business, thought it but just to recompence them for it, out of a part of the Fees usually paid to the Six Clerks, rightly considering they are now become of no use to the Suitor.

As to the Five Clauses that make up what they call their humble Representation, they appear to be weak and frivolous.

[1] 1. The first of them is conceived to be very Untrue, and a Reflection on the Legislature; whether it be so or not is humbly submitted to their Determination.

[2] 2. The second is Trifling, to say the recompence intended was for Labour, whereof the Sworn Clerks are freed, since it's well known, It was given for the Loss of the most considerable of their Fees, which the Court thought fit to give them at a time, when it was Decreed their number should be but Sixty, and when they gave much less Credit to their Clyents, than now they are forced to do.

As to the Insinuation, "That it seems very extraordinary, to encrease the Servant's Wages because their Masters have less for them to do. It is a Reflection both Untrue and Impertinent

[3] 3. 4. 5. As to the Three remaining Paragraphs (the first whereof is unintelligible) the

[4] Sworn Clerks do humbly Insist, That the Recompence does not exceed the Loss, and according

[5] to the Construction the Six Clerks would put upon the Clause in the Act; the Equivalent will not amount to near an Eighth Part of the Loss to the Sworn Clerks: Neither is it a Just or Fair way of Arguing in the Six Clerks, to say that the Plaintiff's Clerk, or the Defendants Clerk (in Town Causes) sustain no Loss by taking away the Tenor of the Bill; since they cannot but know, that the Recompence was intended in Gross, for the whole Loss the Sworn Clerks would sustain thereby.

And therefore they humbly hope, there will be no reason to Repeal or Explain the Clause in the said Act, for the sake of Officers altogether as useless as the Tenor of the Bill.